

EXHIBIT 57

Joshuah Enders, Vol 1

June 07, 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE SEAGATE TECHNOLOGY LLC
LITIGATION,

CASE NO. 5:16-CV-00523-JCS

CONSOLIDATED ACTION,

VIDEOTAPED DEPOSITION OF JOSHUAH ENDERS

San Francisco, California

Wednesday, June 7, 2017

Reported by: Ashley Soevyn, CSR No. 12019

Job No. 2228

Pages 1 - 272

Joshuah Enders, Vol 1

June 07, 2017

1 A No. On the other side of the page --
2 obviously, I referenced these technical
3 specifications, and all of these things have meaning
4 to me.

5 Q Okay. So now we're looking at Exhibit B
6 to Exhibit 4, that's document 62-2 in the court
7 filing system, page three of three. The Barracuda
8 specs. Is that what you would call them?

9 A Yes.

10 Q And you recall reviewing that on
11 Seagate's website in August 2012?

12 A This format may have been either abridged
13 and had only key elements of this table that I'm
14 looking at here. The PDF may have been supplied on
15 that third tab of the product page, but the key
16 elements are here.

17 Q The product page, meaning what we just
18 reviewed on Exhibit 6?

19 A That's correct.

20 Q So what specific specs did you consider
21 and rely on?

22 A Spindles. Well, we're going to go down
23 the list, ready?

24 THE REPORTER: Slowly.

25 THE WITNESS: Interface options, spindle

Joshuah Enders, Vol 1

June 07, 2017

1 speed, cache, seek average -- read and seek average,
2 write, average data rate, max sustained data rate,
3 bytes per sector, load and unload cycles,
4 non-recoverable read errors per bits read max.

5 That one is very important.

6 BY MS. MCLEAN:

7 Q Why is it very important?

8 A That's basically how reliable the write
9 head is across the platter. And so that's a -- it's
10 a big indicator of good engineering and long-term,
11 you know, availability, I guess.

12 The annualized failure rate, power-on
13 hours.

14 That's another big one.

15 Q What is significant about the power-on
16 hours?

17 A That's number of hours of continuous
18 operation, I believe.

19 Q Did you use the drives in accordance with
20 the recommended power-on hours?

21 A Yes. But they didn't last that long.

22 Q How many hours per week is 2,400 hours,
23 on a yearly basis?

24 A I can't do the math.

25 Q What did you have in mind when you were

Joshuah Enders, Vol 1

June 07, 2017

1 BY MS. MCLEAN:

2 Q So other than the factors that we have
3 just reviewed on Exhibit B, were there any other
4 statements and data you believe were misrepresented
5 in Seagate's statement referred to in paragraph 230
6 in the complaint?

7 MR. SIEGEL: Objection as to form.

8 BY MS. MCLEAN:

9 Q I'll rephrase that.

10 A Thank you.

11 Q Earlier, we talked about the AFR. You
12 believed that was a misrepresentation.

13 A Yes.

14 Q Are there any other statements that you
15 believed -- you considered, in connection with the
16 purchase of your hard drives that you believe were
17 misrepresented?

18 A Yes. So I mean under the -- on Exhibit
19 B, on the second page, the power-on hours, none of
20 my drives, including replacement drives, ever
21 achieved 2,400 power-on hours.

22 The non-recoverable read errors per bits
23 read, so a system of a drive's failing were
24 uncorrectable read errors as exposed by the drive
25 firmware and the Linux kernel. And my experiences

EXHIBIT 58

David Schechner, Vol 1

June 06, 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE SEAGATE TECHNOLOGY LLC
LITIGATION,

CASE NO. 5:16-CV-00523-JCS

CONSOLIDATED ACTION,

VIDEOTAPED DEPOSITION OF DAVID SCHECHNER

San Francisco, California

Tuesday, June 6, 2017

Reported by: Ashley Soevyn, CSR No. 12019

Job No. 2240

Pages 1 - 154

David Schechner, Vol 1

June 06, 2017

1 specifications for the drive, the size, the price,
2 the annualized failure rate; anything that would
3 have been shown on Amazon. I relied on other
4 customer reviews.

5 Q Do you remember looking at any other
6 websites other than Amazon?

7 A I do. That was listed in here. I looked
8 at Tiger Direct and at Newegg, I believe, was the
9 third one that I had listed.

10 Q Do you remember going to the Seagate
11 website?

12 A I looked up the data sheet for the
13 Barracuda drives, yes.

14 Q What do you recall reading on the data
15 sheet?

16 A The annualized failure rate was listed
17 less than 1 percent power on hours of 2,400.

18 Q Did you save anything you saw on the
19 Seagate websites?

20 A Not at the time, no. I didn't. I have a
21 copy of the data sheet now but I had not saved it at
22 the time.

23 Q Is there any other document that you
24 relied on, or website that you relied on, in making
25 the decision to purchase the Backup Plus hard drive?

David Schechner, Vol 1

June 06, 2017

1 sit there and be accessed when the backup program
2 ran.

3 Q At the time that you purchased the
4 external hard drive, the Backup Plus, did you know
5 the model number of the internal drive?

6 A Not at the time.

7 Q Where did you find the data about AFR and
8 power-on hours?

9 A On Seagate's website.

10 Q Seagate's website for the Backup Plus?

11 A Seagate's website for Barracuda drives,
12 yeah.

13 Q Did you know it was a Barracuda drive
14 that was inside the Backup Plus?

15 A I did.

16 Q And where did you get that information?

17 A I couldn't even tell you. Somewhere
18 online. It might have been Tom's Hardware. I don't
19 recall.

20 Q I think we partially covered this before.
21 Have you searched for all of your communications
22 with Seagate?

23 A Yeah. Yes.

24 Q Is it possible that you did not search
25 your sent mail folder on your Gmail account?

David Schechner, Vol 1

June 06, 2017

1 A I don't know. I would have to go and
2 look at it.

3 Actually, it does say, in 172, it was
4 another refurbished unit.

5 Q Do you remember, as you sit here right
6 now, whether it was or it wasn't?

7 A If I stated that in the complaint, then
8 yes, it was.

9 Q I think you've mentioned the word "AFR"
10 before in this deposition.

11 A Annualized failure rate. Sure.

12 Q Do you know what AFR is, other than
13 translating it into annualized failure rate?

14 A From what I understand, the AFR is the
15 expected rate of failures of hard drives. If
16 there's a hundred hard drives that are shipped out
17 in a year, one of them should fail, for example, if
18 it's 1 percent.

19 Q And did you read any statements by
20 Seagate about AFR prior to purchasing the Backup
21 Plus drive in 2012?

22 A Yes.

23 Q And where did you read that?

24 A On the Barracuda products they issued.

25 Q I think we're on 27.

EXHIBIT 59

James Hagey, Vol 1

July 24, 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE SEAGATE TECHNOLOGY LLC
LITIGATION,

CASE NO. 5:16-CV-00523-JCS

CONSOLIDATED ACTION,

VIDEOTAPED DEPOSITION OF JAMES HAGEY

San Francisco, California

Monday, July 24, 2017

Reported by: Ashley Soevyn, CSR No. 12019

Job No. 2259

Pages 1 - 94

James Hagey, Vol 1

July 24, 2017

1 BY MS. SIU:

2 Q Okay. Can you tell me if this looks like
3 the data sheet you reviewed on Seagate's websites?

4 A Yes, ma'am, it is.

5 Q Okay. And you said that you reviewed
6 that data sheet prior to purchasing your drive?

7 A I did.

8 Q Going back to 179 of the complaint.
9 You'll notice in that paragraph there are examples
10 one through five, of different representations that
11 you relied on. We're just going to go one by one
12 and kind of talk about them.

13 A Okay.

14 Q So Paragraph 179 of the operative states
15 that you considered the AFR data to be material
16 because it pertained to the internal Barracuda's
17 reliability and longevity; is that correct?

18 A Yes.

19 Q And can you tell me a little bit about
20 your understanding of what AFR data is?

21 A Yes. It's the average failure rate for a
22 hard drive, just in general.

23 Q And can you tell me how AFR is measured?

24 A I cannot.

25 Q Okay. And have you seen the term "AFR"

James Hagey, Vol 1

July 24, 2017

1 or "annualized failure rate" during your 20-year
2 career --

3 A Yes.

4 Q -- in information technology services?

5 A I have.

6 Q And going to the first statement, it says
7 that you relied on this data in deciding to purchase
8 the internal Barracuda because it caused you to
9 believe that the drive was stable, reliable, and had
10 a long life expectancy; is that correct?

11 A It is.

12 Q What caused that belief? Actually, let
13 me rephrase.

14 So, remember, this paragraph starts
15 talking about AFR and how you viewed that
16 representation.

17 A Yes.

18 Q So what about that representation, the
19 AFR, made you believe that the drive was stable,
20 reliable, and had a long expected life?

21 A Because it was such a -- because it was
22 such a small number.

23 Q Okay. And can you tell me, in your
24 opinion, what constitutes a long expected life?

25 A For a hard drive?

EXHIBIT 60

Nikolas Manak, Vol 1

June 20, 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE SEAGATE TECHNOLOGY LLC
LITIGATION,

CASE NO. 5:16-CV-00523-JCS

CONSOLIDATED ACTION,

VIDEOTAPED DEPOSITION OF NIKOLAS MANAK

San Francisco, California

Tuesday, June 20, 2017

Reported by: Ashley Soevyn, CSR No. 12019

Job No. 2248

Pages 1 - 144

Nikolas Manak, Vol 1

June 20, 2017

1 type of hard drive that you had returned to Seagate?

2 A Yes. It was the same model number.

3 Q Was it a 3 terabyte Barracuda?

4 A Yes.

5 Q You testified earlier that when the hard
6 drive failed you lost movies. What other types of
7 information did you lose?

8 A Digitally archived copies of my music
9 collection and a few photos. I can't remember
10 exactly of what, but some of my photo collection was
11 on there, and I hadn't recently synchronized it with
12 what was on my personal computer.

13 Q Did you read any statements by Seagate
14 about AFR prior to purchasing the Seagate internal 3
15 terabyte hard drive?

16 A Yes, it was on their data sheet.

17 Q Did you read any statements by Seagate
18 about the use of 3 terabyte Barracuda hard drives in
19 RAID before purchasing the hard drives?

20 A Yes.

21 Q Where did you read those statements?

22 A On the data sheet.

23 Q Did you read any statements by Seagate
24 about the use of 3 terabyte Barracuda hard drives in
25 NAS before purchasing the hard drives?

Nikolas Manak, Vol 1

June 20, 2017

1 A Yes, I did.

2 Q Did you rely on any of those statements?

3 A Yes. Both RAID and NAS were my intended
4 usage so I relied on both of those statements.

5 Q Did you rely on statements about AFR?

6 A Yes, I did. I knew I would be using RAID
7 zero, so there was always the possibility of data
8 loss. So I relied on their very, very low AFR,
9 which would mean it was very unlikely I would suffer
10 any data loss.

11 Q Are you aware that the second
12 consolidated amended complaint states that you read
13 the data sheet but it does not specifically state
14 that you relied on statements about AFR, RAID or
15 NAS?

16 A No, I'm not aware of that.

17 Q We're finished with documents.

18 What relief are you seeking in this
19 lawsuit?

20 A I am going to defer to the lawyers on
21 what would be appropriate relief.

22 Q Is there a different amount that you
23 would have paid for the Seagate 3 terabyte internal
24 Barracudas knowing how long the drive lasted?

25 MR. SIEGEL: Objection as to form. Calls